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## fax transmittal

**FROM:****Name** Boris A. Matvenko**Date** August 7, 2007**# of Pages** 6**To:**

| Name           | Company                                   | Business#    | Fax #        |
|----------------|---|--------------|--------------|
| Examiner Young | United States Patent and Trademark Office | 571-272-1644 | 571-273-1644 |

**Comments:**

Examiner Young:

Enclosed is an Amendment to Section (iii) of the Amended Appeal Brief, filed on July 5, 2007, regarding **U.S. Patent Application No. 09/745,305**. Should you have any questions, please do not hesitate to contact me at 212-692-6858.

Respectfully Submitted,

  
Boris A. Matvenko

Please call us at 212-935-3000 if you experience any problems.

**STATEMENT OF CONFIDENTIALITY**

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**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

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Date of Facsimile Transmission: August 7, 2007

Attorney Docket No.: 27996-133

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Peter Tavernese Jr. Examiner: Nguyen, Quynh H.  
Serial No.: 09/745,305 Group Art Unit: 2642  
Filed: December 21, 2000 Confirmation No: 2060  
Title: **CUSTOMER SERVICE RESPONSE SYSTEM FOR INTERACTION WITH  
CUSTOMER SERVICE AGENTS**

**MAIL STOP APPEAL BRIEF-PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application are the following documents:

1. Amendment to Section (iii) of the Amended Appeal Brief, filed on July 5, 2007; and
2. Certificate of Facsimile Transmission.

The Commissioner is hereby authorized to charge any fee that may be due, or to credit any overpayment, to Deposit Account No. 50-0311, Ref. No.: 27996-133. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,



Dated: August 7, 2007

Boris A. Matvenko, Reg. No. 48.165  
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Alexandria, VA 22313-1450

**AMENDMENT TO SECTION (iii) OF THE AMENDED APPEAL BRIEF, FILED ON  
JULY 5, 2007**

Sir:

In accordance with a telephone conference conducted on August 7, 2007, with Examiner Young and Applicants' representatives Richard M. Lehrer and Boris A. Matvenko, Applicants hereby submit the following amendment to Section (iii) Status of the Claims of the Amended Appeal Brief filed on July 5, 2007.

**Amendments to the Amended Appeal Brief begin on page 2 of this paper.**

**Remarks begin on page 3 of this paper.**

Date of Facsimile Transmission: August 7, 2007

Attorney Docket No.: 27996-051

Amendment to the Amended Appeal Brief

The following section (iii) replaces all previous sections (iii) in the Amended Appeal Brief, filed on July 5, 2007:

(iii) Status of the Claims:

Claims 1 and 3-29 are pending in the U.S. Patent Application Serial No. 09/745,305 ("305 application"). Claims 1 and 3-29 are pending, stand rejected and are currently on appeal. Claim 2 has been previously cancelled without prejudice or disclaimer. Status of each claim is also indicated in the enclosed Claims Appendix.

Specifically, Claims 1 and 3-29 stand rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,884,032 to Bateman et al. (hereinafter, "Bateman") in view of U.S. Patent No. 5,327,486 to Wolff et al. (hereinafter, "Wolff").

Date of Facsimile Transmission: August 7, 2007

Attorney Docket No.: 27996-051

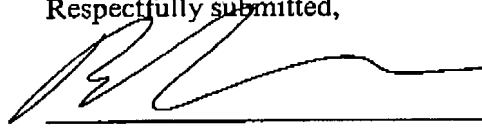
**REMARKS**

Applicants would like to thank Examiner Young for telephoning Applicants' undersigned representatives on August 7, 2007 to correct an informality in the Amended Appeal Brief, filed July 5, 2007. Applicants have corrected the informality. With the above correction, Applicants believe that the Amended Appeal Brief, as submitted on July 5, 2007 now complies with the rules and regulations set forth in the Manual of Patent Examining Procedure.

No new matter has been added. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned representatives to expedite further processing of the application.

Applicants believe that no further fees are due, however, the Commissioner is hereby authorized to charge any fee that may be due, or to credit any overpayment, to Deposit Account No. 50-0311, Ref. No.: 27996-133.

Respectfully submitted,



Dated: August 7, 2007

Boris A. Matvenko, Reg. No. 48,165  
Attorney for Applicants  
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PTO/SB/97 (09-04)

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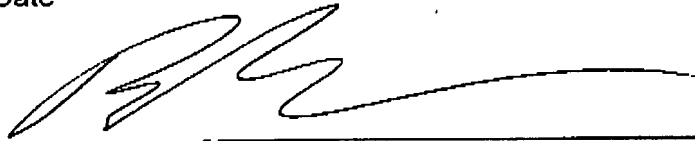
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**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on August 7, 2007

Date



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Boris A. Matvenko

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Registration Number, if applicable

212-935-3000

Telephone Number

**Note:** Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

The following is being facsimile transmitted to the U.S. Patent and Trademark Office regarding U.S. Application No. 09/745,305: 1. Transmittal Letter (1 page); 2. Amendment to Section (iii) of the Amended Appeal Brief, filed on July 5, 2007 (3 pages).

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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